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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fourth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 17 August 1992, at 3 p.m.

Chairman: Mr. ALFONSO MARTINEZ

later: Mrs. KSENTINI

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GE.92-13302/4810B (E)

The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1992/13, 14, 39-41; E/CN.4/1993/3-E/CN.4/Sub.2/1992/42; E/CN.4/1993/5-E/CN.4/Sub.2/1992/43; E/CN.4/Sub.2/1992/45 and 47; E/CN.4/1993/6-E/CN.4/Sub.2/1992/49 and E/CN.4/Sub.2/1992/51; E/CN.4/Sub.2/1992/NGO/4, 6, 8, 13, 14 and 19) (continued)

1. The CHAIRMAN said that the officers had suggested that the text adopted by the Sub-Commission on the situation in the former Yugoslavia should be submitted to the Commission as a decision under agenda item 6. That meant that the text would be circulated in the official languages and would be duly reflected in the report of the Sub-Commission.

2. Mr. EIDE said that the text should include a paragraph stating that the Sub-Commission decided to submit the decision to the Commission.

3. The CHAIRMAN said that if there were no objections, he would take it that the Sub-Commission wished to submit the text adopted by it on the situation in the former Yugoslavia to the Commission on Human Rights as a decision.

4. It was so decided.

5. Ms. MILAS-MATUTINOVIC (World Movement of Mothers) welcomed the text adopted by the Sub-Commission and forwarded to the special session of the Commission on Human Rights, although neither it nor the resolution adopted by the Commission had named the party responsible or identified all the victims of the grave crimes against humanity that had been committed.

6. It was important to recall that all the competent bodies of the United Nations, all international humanitarian organizations and numerous non-governmental organizations had been informed of the suffering in Croatia and had been called upon to take immediate action ever since the beginning of the summer of 1991. As the above-mentioned decision and resolution had not specified the victims of the planned and deliberate Serbian crimes against humanity, she proposed to do so: all non-Serbian civilians in the territory of the former Yugoslavia, including children and pregnant women; journalists and television reporters who had sought to make the truth known; hundreds of massacred and mutilated Croatian villagers; 700,000 Croatian citizens who had been forced to leave their homes and villages; all those tortured in Serbian concentration camps and prisons; Croatian citizens sentenced to death by a military tribunal of the Belgrade regime of a non-existent country; and those Croatian citizens who at that very moment were being "escorted" by United Nations forces into safe areas, but away from their own homes. She also referred to the widespread destruction of hospitals and medical centres, schools, medieval towns, valuable monuments of the Croatian cultural heritage, factories and power plants, as well as the damage to natural resources.

7. The Croatian people had had to pay a very high price before the international community finally realized that Serbian diplomacy was not to be trusted. It was therefore important not to be misled again by the current Serbian policy of disseminating lies.

8. If prompt and effective measures were not taken against the aggressor, the world would have to face even greater crimes against humanity than were currently being committed in Bosnia and Herzegovina.

9. Mr. AL-KHASAWNEH said that any statement on the item under consideration must of necessity be a compromise between the need to survey human rights violations on a global level and the need to focus on particularly serious abuses; that implied ultimately making a subjective choice.

10. In his own country, Jordan, on the positive side, parliamentary democracy seemed to be working very well, and the so-called fundamentalist groups appeared to have been integrated reasonably well into the mainstream of political life. That had not been achieved easily, but the fact that it had been done was a lesson for a number of countries in the Middle East, where the so-called fear of fundamentalism was advanced as a justification for preventing the enjoyment of basic democratic rights. He was also pleased that Jordan had been upholding the right to self-determination of the Palestinian people. In a sense, the Jordanian Government's decision to sever links with the West Bank in 1988 had been a case of "anticipatory self-determination". That, too, contained a lesson. Those who spoke of the "curse of self-determination" should consider the Jordanian model and remember the obvious truth that no people could be denied its sense of collective identity, even if it should be at the expense of the territorial integrity of States. The need to preserve State sovereignty should not be elevated to a cult of Statism.

11. He had drawn attention to some positive developments in his own country to provide examples that could be emulated. Needless to say, Jordan was not perfect, and much room for improvement remained in the political, economic and social spheres.

12. Elsewhere in the Arab world there were two developments which he thought should be brought to the attention of the Sub-Commission. In some countries, basic and inalienable human rights had been dispensed with in order to fight "fundamentalism" or "terrorism". Unfortunately, many people in the West, considered that to be a suitable development, and the complacency of the West was testimony to the triumph of centuries-old prejudice against Islam over elementary considerations of fairness and consistency in upholding human rights. The other development had been the total absence in other Arab countries of any human rights standards, especially in the Gulf countries, where such basic rights as democratic Government and accountability were seen as bizarre and exotic notions and where the treatment of foreign workers was dismal. The fact that such countries escaped censure was a confirmation of the power of financial considerations over principle.

13. The major peace process under way in the Middle East, if successful, promised to find a solution to the Palestinian problem. Unfortunately, that positive development had been misused in the Sub-Commission to suggest that

Israel should not be condemned for its systematic violation of human rights. Yet the fact remained that the plight of Palestinians had not improved as a result of the peace process. The creation of Israel had meant the destruction of Palestine and the dispersing of its people, an injustice that had been compounded by Israel's denial of the right of the Palestinians to return to their ancestral homeland, and of their right to self-determination and its refusal to apply the Fourth Geneva Convention to the occupied territories.

14. As the Sub-Commission was aware, the law relating to military occupation was based on the assumption that occupation was an abnormal phenomenon of brief duration. The occupation of Palestinian lands had lasted for a quarter of a century and had been marked by a settlement policy reminiscent of colonial practices. It was especially disgraceful that in the past year, the Commission on Human Rights had effectively stalled a proposal to request the the International Court of Justice to pronounce itself on the consequences of the illegality of settlements. It would seem that in some countries in the West, even the rule of law was a concept that apparently could be dispensed with if it suited Israeli interests.

15. Human life, it would seem, did not have the same value everywhere. The genocidal policies carried out by the Government of Myanmar against the Muslim minority in that unhappy country had gone virtually unnoticed, as had the human rights violations in Kashmir, including the right to self-determination. The practices employed by the security forces against the civilian population, including the gang rape of all the women in villages, was well documented. The condemnation of human rights violations should not be confined to small and friendless countries.

16. He agreed with Mr. Eide that terrorism should be defined as a method and not in connection with a group. To call a group of people "terrorists" was usually the prelude to a process of dehumanization that justified dispensing with human rights instruments and standards, including the right to life and to human dignity.

17. The Sub-Commission had done itself honour by unanimously adopting a statement on the tragic situation in Bosnia and Herzegovina, but the Sub-Commission's concern should not obscure the human rights situation in another part of the former Yugoslavia, namely Kosovo and Sanjak, where an apartheid-like system had been set up. The international community must not wait until the slaughter began. The Sub-Commission must send an unequivocal message to the Serbian authorities calling upon them to desist from their policy.

18. Reverting to his own part of the world, he would say that the gap, for millions of ordinary men and women, between international law and international justice had never been greater. The fictitious blockade imposed on Serbia and the lukewarm attitude of the international community in addressing the genocide in Bosnia contrasted with the almost maniacal obsession with reducing the civilian population of Iraq to famine through a blockade that did not affect the rulers of that country, but only its women and children and its poor.

19. Mr. EIDE, referring to the statement made by the representative of the World Movement of Mothers, said that in his experience, violence in ethnic conflicts was carried out by all the groups concerned, and it was very important for the World Movement of Mothers to recognize that the Croatian side had also committed excesses, both in Croatia and in Bosnia and Herzegovina. Non-governmental organizations must remember that in such conflicts, human rights violations were committed by virtually all the parties concerned. Placing the blame on one side alone was not conducive to finding solutions.

20. Mr. BOS (Baha'i International Community) said that his organization was moved once again to draw the Sub-Commission's attention to the continued persecution of the Baha'i community in the Islamic Republic of Iran. Unprotected by law, the Baha'is had been exposed to a systematic campaign of discrimination for some 13 years. A decade since the international community had first focused on their case, the Baha'is were the only religious minority barred from enjoying the basic rights enshrined in the 1979 Iranian Constitution.

21. Since 1979, 199 Baha'is had been killed and 15 others had disappeared and were presumed dead. Arbitrary arrests persisted, with 8 Baha'is reported to be incarcerated as of 1 July 1992; another 5 had been arbitrarily arrested between April and June, of whom 2 women still remained in custody. Notwithstanding the fewer cases of torture, imprisonments and executions, the Baha'is were as vulnerable as they had been in 1979.

22. That the situation of the Baha'is could worsen without warning had been confirmed by the arbitrary arrest on 17 March 1992 and the summary execution the following day at Evin Prison in Tehran of Mr. Bahman Samandari, the first Baha'i to be executed in three and a half years. No reason had been given for his execution, and the location of his grave had not been disclosed. On 17 June 1992, a Baha'i from the village of Muzaffariyyih, Mr. Ruhullah Ghedami, had been brutally murdered by two members of the disciplinary forces of the Iranian Government; the murderers had apparently been acting in the expectation of impunity, inasmuch as the Baha'is were still officially considered "unprotected infidels" deprived of rights under Iranian law.

23. Many Baha'is had had their retirement pensions and work permits withheld, and they were refused unemployment compensation when dismissed from work. Iranian Baha'is continued to be denied the right to leave the country. The education of their children was disrupted, and Baha'i students were systematically refused the right to enrol in university; to commence or complete their university education, Baha'is were required to recant their faith.

24. As a religious community, the Baha'is of Iran were still denied the right to express their religious beliefs freely, the right of assembly as a community, although small gatherings of Baha'is in private homes had recently been tolerated, and the right to elect and maintain administrative institutions. As there was no clergy in the Baha'i faith, those institutions constituted the core of religious community life, without which the very existence of the Baha'i community was in jeopardy. Even burial of their dead

had been difficult: Baha'is had access only to those cemeteries designated for them by the Government, since most of their cemeteries had been confiscated, along with all their holy places, historical sites and administrative centres, many of which had been destroyed.

25. One might indeed wonder why the Baha'is so often commended for being peace-loving and law-abiding model citizens, should have been singled out for such systematic and remorseless persecution. The main reason was a prejudice that had existed ever since the Baha'i faith had been founded in Iran in the middle of the past century. The Islamic authorities in that country did not tolerate any religion that appeared after Islam. Consequently, the Baha'i faith had been declared by the current regime to be a "dangerous heresy". The sole basis for the persecution of the Baha'is was religious intolerance, as seen when the Iranian authorities had made clear to the Baha'i community that their persecution would be suspended if, and only if, they renounced their faith and embraced Islam.

26. Such flagrant acts of religious intolerance merited closer and continued monitoring by the international community and by the Sub-Commission in particular, which had made a signal contribution to ensuring the survival of the Baha'i religious community in the Islamic Republic of Iran. It was to be hoped that the United Nations would remain vigilant and press for a halt to the persecution of that innocent and defenceless community.

27. Mr. WADLOW (International Fellowship of Reconciliation) drew the Sub-Commission's attention to three countries in Africa in which Christian religious minorities were threatened.

28. In the Sudan, millions of people were in danger of starvation because of a civil war and Government policies which were in part religiously motivated. Since the military Government had come to power in 1989, it had used political and ethnic tensions between the Islamic north and the Christian and Animist south to start a jihad, with the influence of powerful fundamentalist forces in the background. It was to be hoped that the international community would not tolerate the jihad as a normal form of relations between communities and would have the courage to condemn a doctrine that was a deliberate call for hatred and destruction.

29. Ethnic tensions were not the only cause of human rights violations. Since 1990, the traditional political parties and trade unions had been suppressed, private publications banned and civil servants with unorthodox religious views dismissed.

30. The international community was aware of the difficulties that the Office of the United Nations High Commissioner for Refugees (UNHCR) and other relief agencies faced in working with populations in the south of the Sudan, but less attention had been given to the fate of more than 2 million southerners who had fled or been deported to the Khartoum area, where they lived a marginal existence and were often the targets of harassment. The Sudan Council of Churches was subjected to restrictions in its efforts to distribute aid. It was to be hoped that the Sub-Commission would receive the assistance it deserved from the Organization of African Unity and the Islamic Conference so that concerted action could be taken at the current session.

31. Close attention must be given to the situation in northern Nigeria, where events were not the direct result of the Government's policy, but of a growing Islamic aspiration to gain complete control in areas where Muslims were in the majority. That assertiveness had been fuelled by a difficult economic situation and by financial contributions and pressure from outside Nigeria, especially the Middle East. It was important to focus on the situation in northern Nigeria because it had not yet reached the critical point when all Christians would leave for safety in the south. Yet many families had already departed, especially after the recent riots and the killing of more than 300 persons. Both the advisory services of the Centre for Human Rights and non-governmental organizations could play a useful role in reversing the dangerous trends in northern Nigeria and laying the foundation for a society respectful of human rights and dignity.

32. In Egypt, the Coptic Christians, making up some 10 to 15 per cent of the population of Egypt, had been experiencing increasing harassment. He alerted the Sub-Commission to the growing persecution of Coptic Christians by organized fundamentalist Islamic groups. On 6 May 1992, a fundamentalist Islamic group had attacked Coptic Christians at Sanabu, 300 km south of Cairo, leaving 13 dead and more wounded. Other abuses took the form of a protection racket, in which Coptic Christian shopkeepers were forced to pay a jizya, a head tax of sorts, which, in the past, Christians and Jews had had to pay to stay alive in Islamic lands. Such a practice must not be tolerated.

33. Mr. MALKASSIAN (International Movement for Fraternal Union among Races and Peoples) drew attention to the general violation of human rights and fundamental freedoms caused by the failure to recognize the right to self-determination of the Armenian people of Nagorno-Karabakh, for whom his organization had affirmed its support since the start of the anti-Armenian pogroms.

34. The people of Nagorno-Karabakh, 80 per cent of whom were Armenian, had been the victim of a real historical fraud when, in 1921, its territory had been arbitrarily included, against its wishes, as an "autonomous region" within the Soviet Socialist Republic of Azerbaijan. The fact that Nagorno-Karabakh was denominated an "autonomous region" showed that both the authorities in Moscow and those in Baku were aware that the territory was inhabited by a people different from the people of the political unit into which it had been incorporated. The same people was now struggling to be master of its own destiny, in accordance with the right of self-determination recognized in Articles 1 and 55 of the Charter of the United Nations and in article 1 of the two International Covenants on Human Rights and in General Assembly resolutions 1514 (XV) and 2625 (XXV).

35. Unfortunately the present Government of Azerbaijan rejected the right of the people of Nagorno-Karabakh to self-determination and was engaged in an armed struggle in which over 2,000 persons had already died and which could end by destabilizing the whole Caucasus region. By doing so, it was violating a general principle of international law which was also a rule of jus cogens. As the Proclamation of Tehran had recognized 24 years previously, failure to enjoy the right of self-determination had a direct effect on other human rights.

36. According to the 1979 study (E/CN.4/Sub.2/405/Rev.1) by the Sub-Commission's former Special Rapporteur, Mr. Gros Espiell, in order for the right of self-determination to be exercised, the subject must be a people which formed a specific human community united by a common consciousness and the desire to constitute a common future. The specific character of the people of Nagorno-Karabakh was self-evident. They were Armenians and were therefore different from the Azeris, with a different religion, a different language and a different culture; they also belonged to a different ethnic group and wished to be responsible for their own future. For that reason they had declared their independence on 2 September 1991.

37. Again according to Mr. Gros Espiell, the right of self-determination must be exercised against colonial or foreign domination. Nagorno-Karabakh had been subject to such domination, since its previous status as an autonomous region had never been effective. The Government of Azerbaijan had shamelessly discriminated against the Armenian population, condemning it to a cruel economic, social and cultural underdevelopment. The response had been the declaration of independence. Moreover, in recent years the dynamics of international law had altered the traditional concept of colonial and foreign domination; in the case of the disintegration of the Soviet Union, the exercise of the right of self-determination had been recognized in general and peaceful terms, dispensing with the traditional concept of "colonial and foreign domination". There was no reason why the new practice should not be applied to Nagorno-Karabakh.

38. The principle of the territorial integrity of the State could not be used against the people of Nagorno-Karabakh because that principle was subordinate to the right of self-determination if the latter was exercised in accordance with international law. Moreover, the political unity of Azerbaijan and Nagorno-Karabakh was a fiction because, according to General Assembly resolution 2625 (XXV), the territorial integrity of States required that they should have a Government representative of the whole population within the territory concerned, without distinction as to race, creed or colour. Needless to say, the Government of Azerbaijan was not representative of the Armenian 80 per cent of the population of Nagorno-Karabakh; it was actually waging a war against it.

39. The final requirement set forth in Mr. Gros Espiell's study was the free and authentic expression of the people's will. On 10 December 1991 a referendum had revealed that 95 per cent of voters approved of independence from Azerbaijan.

40. Thus, Nagorno-Karabakh satisfied the conditions laid down in international law for a people to exercise its right of self-determination. The legal consequences that flowed from that situation were that the international community should recognize the international personality of Nagorno-Karabakh; that States and international organizations had a legal duty not only not to oppose the exercise of the right to self-determination by the people of Nagorno-Karabakh but also a positive obligation to make it effective; that the legitimacy of the exercise of the right of self-determination by the people of Nagorno-Karabakh should be recognized and supported by all possible means; that the international community should require an immediate cease-fire in the whole

area and the withdrawal of Azerbaijani troops from both Nagorno-Karabakh and from Armenia, which had recently been attacked; and that any State that was assisting Azerbaijan militarily should be required to refrain from doing so.

41. The Armenian and Azeri peoples had been living next to one another for centuries. Both peoples, each in its own way, had made gigantic efforts to forge a future featuring freedom and development. To do so they needed mutual cooperation within a framework of absolute respect for human rights and fundamental freedoms, which could not be achieved unless the right to self-determination of the people of Nagorno-Karabakh was recognized.

42. Ms. GONZALEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that although her Federation (FEDEFAM) was a Latin American organization, it was also concerned with disappearances outside its region of origin. For the moment it wished to refer to the human rights situation in the part of Kurdistan occupied by the Turkish State. In August 1990 the Turkish Government had suspended the application of the European Convention on Human Rights in the 13 Kurdish provinces, which were under emergency government. Since the elections in October 1991 the new Government had provided for the use of the Kurdish language and recognition of the Kurdish personality, but that was only in writing. In Turkey not even Kurdish deputies felt safe, since they were threatened by the security forces and beaten in Parliament for having spoken of fraternity between Turks and Kurds.

43. In 1992 approximately 100 persons had been summarily executed in the streets. In March 103 persons had been murdered when they were celebrating the Kurdish national festival. So far no investigation had been initiated. Since 1987 Turkey had been using paid Kurdish militias against the Kurdish Resistance Movement.

44. Although the Kurds wanted a political solution for the area, the Turkish Government rejected all proposals to that effect and insisted on pursuing the war in Kurdistan. Consequently, FEDEFAM believed that the Sub-Commission should appoint a special rapporteur to visit the area and urged the Turkish Government to put an end to its human rights violations against the Kurdish people and to seek a political solution.

45. Many countries in Latin America were experiencing difficult times in human rights matters. Situations such as those prevailing in Peru, Guatemala and Colombia required urgent action by the international community. Between 1984 and 1991 Peru had occupied either first or second place in the list of countries with the largest number of missing persons, according to the latest report of the Working Group on Enforced or Involuntary Disappearances. Since the coup d'état four months previously, the human rights situation had worsened, with arbitrary arrests, the dismissal of judges and uninvestigated murders. FEDEFAM considered that the Sub-Commission should urgently adopt a resolution on Peru concerning the appointment of a special rapporteur.

46. Human rights violations were still part of daily life in Guatemala, with summary executions, enforced disappearances, bombings of the civilian population, threats, forced entries into homes and educational centres, a housing shortage, crises in the public services, hunger, and persecution of

human rights activists. During the present Government's term of office the situation had continued to worsen. The Cakchiquele and Mame indigenous groups had been despoiled of their lands, and people had been injured or had disappeared in the ensuing protests. FEDEFAM appealed, through the Sub-Commission, to the Guatemalan Government to put an end to such practices and urged it to continue peace negotiations with the Guatemalan National Revolutionary Unit, permitting the participation of civilian sectors.

47. Year after year reference had been made to Colombia in the Sub-Commission. The situation there was dramatic. In the first quarter of 1992 there had been 381 political or presumably political murders, 246 arbitrary arrests, 19 cases of torture, 30 collective murders, and 33 enforced disappearances. Since then other gross violations of human rights had occurred, involving children, women, lawyers, trade unionists and "dispensable people". In one case at Barranquilla, 11 corpses and the remains of another 30 had been found in the morgue, where their organs were sold to students. More recently, the whole municipal administration of El Castillo-Meta had been murdered.

48. Colombia had a new Constitution which affirmed many rights and gave precedence to international human rights instruments over domestic legislation. That text, however, stood in contrast with day-to-day life. Human rights violators were still acting with impunity, and the judiciary showed no signs of enforcing citizens' rights. FEDEFAM therefore demanded that an end be put to those practices. Otherwise there could be no peace in Colombia, and without peace there was no democracy.

49. Mrs. Ksentini took the Chair.

50. Mr. KOTHARI (Habitat International Coalition) said that in recent years the practice of forced evictions had been consistently equated with gross and systematic violations of internationally recognized human rights, including the right to adequate housing. A wide range of United Nations human rights bodies and international laws and jurisprudence supported that view. The Sub-Commission itself had reaffirmed that situation in its resolution 1991/12. More recently, in its General Comment No. 4 on the Right to Adequate Housing, adopted in December 1991, the Committee on Economic, Social and Cultural Rights had stated unequivocally that forced evictions were prima facie incompatible with the requirements of the Covenant and could only be justified in the most exceptional circumstances and in accordance with the relevant principles of international law. The Committee had also declared both the Dominican Republic and Panama to be in violation of the Covenant due to the prevelance of evictions in those countries. The gravity of the situation regarding evictions had even prompted the Committee to offer to send one or two of its members to advise the Government of the Dominican Republic on how to promote full compliance with the Covenant.

51. Nevertheless, despite those and many current recent advances in the global struggle against forced evictions, the latter continued to be endemic in much of the world, being nearly always carried out without prior warning, negotiation or compensation and without any clear cause being shown. In the present statement he would focus on planned evictions in Asia.

A document distributed during the current session of the Sub-Commission (E/CN.4/Sub.2/1992/NGO/6) listed eviction cases, both past and pending, in other regions of the world as well.

52. In many Asian countries master plans for cities, poorly designed development projects and socio-economic policies wilfully included forced eviction as an inherent consequence of the race for modernization, integration into the world market and the maintenance of the profligate lifestyles of the wealthy. Evictions were justified as being inevitable and necessary for the "greater good" and for what Governments ironically referred to as "national progress". Nothing could be farther from the truth. Many Governments viewed vulnerable communities with scorn and referred to those to be evicted in deplorable terms, including "dispensable people", "disposable people", "surplus people", and "invisible people".

53. In the Philippines, for instance, where more than 120,000 people had been forcibly evicted in 1991, 90 per cent of all persons evicted had received no compensation and no relocation sites. Moreover, more than 80 per cent of land cleared by evictions during the past five years was vacant and at the present moment more than 2,000 residents of the Bo Bolante, Pinagbuhatan and Pasig communities in Manila were courageously opposing evictions from their homes.

54. In Bangkok, Thailand, which also had a long history of large-scale and frequently violent forced evictions, the Thai Government's five-year housing plan for 1992-1996 envisaged the eviction of 62,000 families from the city. The so-called relocation plans for the 300,000 people involved were by any humanitarian standard totally unacceptable.

55. Even Hong Kong was planning to demolish all "old public housing units" before the year 2001, forcing more than 35 per cent of existing dwellers to move far from the city centre and equally far from employment opportunities. A violent eviction of the infamous Walled City of Kowloon had taken place on 7 April and 2 July 1992, accompanied by the use of excessive force. In addition, large-scale evictions from private land were currently being carried out in nearby Macao.

56. In the occupied territory of Tibet, the Chinese-devised Lhasa Development Plan envisaged the complete eradication of the Tibetan quarter of the capital by the year 2000, currently home to thousands of Tibetans who had never been consulted about such a transmutation of their holy city. Within China itself, 1 million citizens would be forcibly removed from their homes as a result of the damming of the Yangtze River.

57. In Israel the 146 so-called "unrecognized Arab villages" within the "Green Line" were to be demolished. Document E/CN.4/Sub.2/1992/NGO/4 covered in more detail ongoing and planned housing rights abuses in Palestine.

58. On the strife-torn island of Bougainville, the inhabitants of numerous villages were being wantonly evicted from their homes and forcibly relocated to so-called "care centres", which were in reality nothing less than squalid settlements designed only to subjugate the people of Bougainville to the whims of the Papua New Guinea military forces.

59. In India, long recognized as having one of the worst records of resettlement in the world, eviction continued to be used against often unsuspecting and always vulnerable communities. In the Nalgonda and Rangareddy districts of Andhra Pradesh, 50,000 villagers were to be evicted in late 1991 in order to clear space for an army "field firing range". In another misguided attempt at "development", the World Bank had supported that the Sardar Sarovar Dam Project on the Narmada River, which would lead to the forced eviction and dispossession of 300,000 persons. The World Bank's own independent review of the project had recommended that the Bank "step back", but neither the Bank nor the Indian Government had so far declared any intention to stop the ongoing construction. Habitat International Coalition had visited the dam and resettlement sites and fervently urged the Sub-Commission to let its opposition to the project be known to the World Bank, which would issue its final funding decision on 1 September.

60. The government-sponsored or government-tolerated programmes outlined above served only to compound the already incomprehensible reality of the 1 billion persons in the world whom the United Nations recognized as homeless or inadequately housed. Could each one of those present today imagine for a moment what it must be like to be faced with the insecurity of a pending eviction. For how long could Governments be allowed to destroy wilfully the lives, skills and identities of so many people and communities? How could people have faith in the law when it never protected them, where it rationalized the process of eviction and where profit and speculation in land, property and resources reigned supreme? The practice of forced evictions was largely preventable. Governments that were planning to violate the housing and other rights of their citizens were urged to reconsider those plans and to enter into mutually satisfactory negotiations with the affected communities in order to ensure that absolutely every alternative to eviction was systematically explored. Finally, the Sub-Commission was urged to recommend to the Commission on Human Rights that an analytical study on forced evictions be made with a view to devising practical strategies for the avoidance of eviction and that consideration be given to the feasibility of appointing a special rapporteur on forced evictions.

61. Mr. BURNEO (Commission of the Churches on International Affairs of the World Council of Churches) referred to the situation in Peru, which had been subject to increasing political violence over the past decade. Shining Path group was engaged in extensive and indiscriminate terrorist actions that should be repudiated by the great majority of the Peruvian people and by Peruvian human rights bodies. Nevertheless, as the Human Rights Committee had stated at its most recent session, combating terrorism by terrorism could not be justified in any circumstances. The Committee had made that statement because of the serious, numerous and persistent violations of human rights taking place in Peru. Therefore the World Council of Churches, together with other groups, considered it necessary for the Sub-Commission urgently to adopt a resolution on Peru. From 1984 until 1991 Peru had always occupied the first or second place in the list of countries where most disappearances had taken place in the world, according to the Working Group on Enforced of Involuntary Disappearances. In the past 24 months under the Government of President Fujimori, 405 persons had disappeared and there was no known case in which any member of the Armed Forces had been judicially punished for such serious offences. Moreover in November 1991 a nine-year-old child

and 16 other people, including his parents, had been murdered during a party at a house barely 30 metres from a police station. The investigation ordered by Congress had not taken place because of the coup d'état.

62. Another reason for adopting a resolution on Peru was, in fact, the recent coup d'état by President Fujimori, who, with the support of the high command of the Armed Forces, had concentrated all State power in it. That power was beyond control, absolute and uncheckable. There was no Congress to restrain it, and no independent judiciary because the Government had dismissed hundreds of judges and had appointed whoever it thought appropriate in their place. The Presidents of the Senate and of the House of Representatives had been arrested, as well as trade union and political leaders and journalists. New legislation had decreed the loss of Peruvian nationality in violation of the Universal Declaration of Human Rights and the trial of minors as from 15 years for terrorism, as well as prohibiting the right of defence for judges who had been dictatorially removed from their posts.

63. The Sub-Commission could not remain silent when faced with the only coup d'état that had occurred in Latin America in recent years, particularly since the coup d'état had destroyed real solidarity in Latin America and had been condemned by almost all States on the American continent and by the European Parliament.

64. Finally, a resolution on Peru would help to improve the situation of human rights and democracy in that country. It was a false argument to claim that a resolution on Peru would represent a victory for a terrorist group; for there was a basic equation between respect for human rights and peace. To support such a false thesis was tantamount to affirming that the defence of human rights contributed to the promotion of terrorist violence by Shining Path.

65. In the Commission on Human Rights, State policy took precedence, since its members were themselves States. However, the significance of the Sub-Commission, and the justification for its existence, was the fact that its experts were independent of their States of origin. Experts should discharge their mandate to the full by showing a genuinely independent concern for situations such as that in Peru, regardless of their continent of origin. His organization joined with Peruvian human rights organizations and other non-governmental organizations in urging the Sub-Commission to adopt a resolution on Peru, condemning the serious and persistent violations of human rights and the terrorist practices of Shining Path, and recommending that the Commission on Human Rights should appoint a special rapporteur for Peru, or some other appropriate supervisory mechanism. Those who had travelled long distances, often at great risk to their lives and families, in order to attend the session of the Sub-Commission, should not be disappointed.

66. Ms. MEINDERSMA (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities), speaking also on behalf of Sierra Club Legal Defense Fund, said that the Sardar Sarovar project in the Narmada Valley in western India was one of the largest water resource diversion projects ever undertaken anywhere in the world. The project, a joint undertaking by the Government of India and the World Bank, consisted of a major dam and an extensive system of irrigation canals covering some 117,000 hectares of land in three States of India.

67. If it went ahead as planned, the project would result in massive human rights violations. A recent comprehensive review by the Independent Review Team, also known as the Morse Commission, had revealed the almost complete failure of the World Bank to adhere even to its own guidelines with regard to projects affecting indigenous peoples, environmental safeguards and the minimum humanitarian standards for resettlement and rehabilitation. The Morse Review had concluded that the Bank must acknowledge the failure of its planning and implementation strategy and consider it afresh.

68. Sardar Sarovar would adversely affect up to 1 million people. More than 100,000 people would be involuntarily displaced by the reservoir, and another 140,000 affected by the construction of the irrigation canals. Many others would be indirectly or secondarily displaced. Many of those to be affected were tribal people whose customary or legal title to the lands on which they had lived for generations and the resources on which they depended for their livelihood were not recognized by the Government. The Morse Review had found that present resettlement efforts were grossly inadequate and infringed recognized norms of human rights. Furthermore, failure to assess certain environmental aspects of the project might mean that in time the reservoir would continue to increase in size, displacing many more people than had been originally forecast.

69. A strong people's movement, the Save Narmada Campaign, had emerged, questioning, criticizing and finally opposing the project. It had received widespread international and local support, including the alternative Nobel Prize. The people of the Narmada Valley were challenging the top-down development strategy pursued by State Governments, the Indian Government, the World Bank and its donors. They were asserting their claim to full realization of their internationally recognized human rights and their entitlements under the Indian Constitution. Many tribal people in India now faced competing claims to their lands by money-lenders, dominant farmers and the State itself. Since independence, 21.6 million people, 60 per cent of them tribal people, had been displaced by dams alone. By 1989, 15 per cent of India's tribal population had already been displaced from their customary lands. They thus fell victim to a host of economic, social and cultural rights violations, and additionally suffered various forms of discrimination, social disintegration and economic dependency, sometimes being forced into bonded labour. As a result of the Government's failure to allocate suitable land, the lack of compensation, conflicts with host populations, absence of basic facilities and the breaking up of their communities, those people, once displaced, would eventually perish.

70. On 26 July 1992 the Save Narmada Campaign had launched a peaceful resistance, forming "Save-or-Drown Squads", refusing to leave their land as the waters rose. Violations by State officials and police of the human rights of villagers demonstrating against the project had already become a matter of concern to local and international observers.

71. The various United Nations human rights bodies were increasingly recognizing that projects funded by the international financial institutions, especially the World Bank, were often accompanied by gross violations of human rights. The fact that such consequences continued to be accepted under the World Bank's cost-benefit analysis, and that no human rights criteria were

applied at any stage in the design, planning and implementation of those projects, was especially worrisome. The Sub-Commission should bring those institutions under its scrutiny and hold them accountable for violations of human rights. It should take serious note of the recommendations to that effect contained in the final report by Mr. Danilo Türk on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16). There was still time to influence the World Bank, which would take its final decision on 1 September 1992 on whether to continue financing the project in the light of the Morse Review. The principles laid down in the Morse Review should also be extended to all future projects supported by the World Bank. She therefore urged the Sub-Commission to make its opposition to the project known.

72. Mr. PEREIRA GOMES (Observer for Portugal) reminded experts that at its previous session the Sub-Commission had decided not to consider a draft resolution on East Timor, in the light of certain positive developments, such as the agreement in principle that a Portuguese parliamentary delegation should visit the territory on a fact-finding mission, and the invitation extended to the Special Rapporteur on torture of the Commission on Human Rights to visit the territory. In the meantime, however, further tragic events had cast new light on the whole situation in East Timor; the visit by the parliamentary delegation had been suspended; and the report of the Special Rapporteur (E/CN.4/1992/17/Add.1) left no doubt as to the extent of the repression and human rights violations, including systematic torture, taking place there.

73. The events that had begun in Motael at the end of October 1991 and had culminated on 12 November with the massacre of civilians by the Indonesian authorities in the Santa Cruz cemetary at Dili were largely the result of the climate of repression and intimidation established by Indonesia in the run-up to the visit by the Portuguese parliamentary delegation. The first reactions of the highest military authorities after the massacre had illustrated both the illegality of the power wielded by Indonesia in East Timor, and also its brutal and repressive nature. General Try Sutrisno, Commander-in-Chief of the Armed Forces, had described the demonstrators as criminals who must be liquidated. However, confronted with an unexpected and unprecedented international reaction, the Indonesian authorities had realized that they could not simply continue to describe the facts as calumnies and exaggerations. Consequently, they had changed tactics, expressing regret at the deaths and promising that an inquiry would be held into the massacre. In the light of alarming precedents, however, his delegation had been convinced that the inquiry and supplementary measures proposed by the Indonesian authorities, who were in any case an illegal occupying force, would lack credibility and impartiality. Only an internationally monitored inquiry could fully explain the circumstances of the massacre. That conviction had been borne out by subsequent events, with the authorities claiming that it was not the army but the peaceful demonstrators who, by their aggressive and provocative attitude, had been responsible for the massacre.

74. That lack of credibility and good faith had been confirmed by the behaviour of the Indonesian authorities as a member of the Commission on Human Rights. On 4 March 1992, the Chairman of the Commission had read out a Consensus Declaration on the human rights situation in East Timor. By subscribing to that Declaration, Indonesia had been politically, morally and

legally bound to take certain measures and observe certain standards. An analysis of its subsequent actions showed, however, that Indonesia had accepted the consensus simply in order to reduce international pressure, and that it had no intention of taking the steps to which it had committed itself when acknowledging the seriousness of the human rights situation in East Timor and deploring the violence perpetrated by its own Armed Forces in Dili on 12 November 1991 - steps which included a continuation of the inquiry into the actions of its security forces, with a view to resolving inconsistencies regarding the fate of missing persons and the exact number of dead.

75. Official expressions of regret regarding the Santa Cruz incident were at odds with recent statements by the military authorities. General Syafei had recently told journalists that, had he been in command in East Timor at the time of the incident, the number of dead and injured would probably have been higher. In a recent interview in the Indonesian magazine Editor, General Mantiri had said that he had no regrets, describing the demonstrators as anti-Government rebels and warning of similiar reactions should the demonstrations continue. Regarding the fate of the persons still missing, General Syafei had said that it would be better if they were already dead.

76. In the Commission on Human Rights, the Indonesian Government had accepted the need for all members of the Armed Forces responsible for the massacre to be tried and punished, and had undertaken to ensure that all civilians arrested on that occasion were treated humanely, that those brought to trial received proper legal representation and a fair trial, and that those not involved in the violence should be freed without delay. In point of fact, however, the survivors of the slaughter had been accused of non-violent activities and sentenced to harsh terms of imprisonment under the Anti-Subversion Law, the abolition of which had been called for by the Special Rapporteur on Torture in his recommendations, which had been accepted by Indonesia. According to Amnesty International, the survivors had been sentenced for non-violent political and human rights activities and the exercise of freedoms enshrined in the Universal Declaration of Human Rights. None of the indictments it had seen contained any specific reference to the use or advocacy of violence. Furthermore, those junior and reserve officers brought before a military court had received sentences of between 8 and 18 months' imprisonment for breaches of discipline, and not for perpetrating a massacre.

77. The Indonesian Government had also undertaken to facilitate access to the territory by other humanitarian and human rights organizations that had hitherto been denied any access. That undertaking had not been honoured. On the contrary, since March 1992, foreign journalists, Indonesian correspondants for the foreign media and tourists had been forbidden to enter the territory. Those indications of a return to the old policy of cutting off the territory from the outside world did not augur well for the future. Must the international community wait for further massacres, filmed or observed by independent witnesses, before it finally realized the full extent of the shocking and systematic violations of human rights in East Timor?

78. Mr. Alfonso Martínez took the Chair.

79. Mr. ANTONIO (Observer for Haiti) said that since the previous session of the Sub-Commission, his country had witnessed the bloody military coup of 30 September 1991 which had driven its democratically elected President into exile. The international community had reacted promptly and correctly to the ferocious attempt by the military and their accomplices to overthrow the democratic order, by condemning the coup and diplomatically isolating the de facto Government. The Organization of American States had also decided to impose an embargo on the regime, a decision that had been supported by the international community. Resolutions calling for solidarity with the legitimate authorities of the country included the resolution unanimously adopted at the forty-eighth session of the Commission on Human Rights in March 1992.

80. Nevertheless, 11 months after the coup, the military continued to wield de facto power, helped by extensive recourse to stocks of weapons that were replenished with disconcerting ease, given that the country had no munitions industry and was in the grip of an embargo. Two months previously the military had tried to give the impression of a change of policy by appointing Mr. Marc Bazin as "consensus Prime Minister". Continuing human rights violations showed, however, that Mr. Bazin's Government was perpetuating the traditions of the military dictatorship. Haitian human rights defence organizations had prepared a provisional estimate of violations by the forces of repression between September 1991 and July 1992, which included 3,000 dead, 772 arbitrary arrests, 357 cases of torture, 96 shootings and 307 cases involving illegal searches and destruction of goods. Supporters of President Aristide were the prime targets of police terror, and the inhabitants of the poor quarters of Port-au-Prince and the provincial towns were its principal victims. Members of the press and broadcasting media had also been systematically attacked for their commitment to freedom of expression, as had members of trade unions. The Fondation Lafanmi Selavi, a hostel for street children established in 1986 as the result of an initiative by Father Aristide, had been burned down by the military on 13 June 1992. Peasant organizations such as Tèt Kole and Mouvman Peyizan Papay were also the target of harassment by the military, as were students, several of whom had been injured in a shooting incident at the Faculty of Medicine of Port-au-Prince on 15 July 1992, while demonstrating against the new de facto Bazin Government.

81. The doors of the American and European continents were closed to the boat people and other refugees fleeing persecution in Haiti, who were systematically returned to their oppressors. Thirty persons had recently lost their lives off the coast of Haiti, after the army had fired on a boat loaded with refugees.

82. According to an August 1992 Amnesty International newsletter, at least 3 nuns and 16 priests had been arrested after the coup, and many others had been threatened or harassed by the security forces. The people of Haiti had made a clear choice of President on 16 December 1990, and were amazed that the Holy See should be the only State to recognize the military regime and to sanction it by sending a nuncio to represent it in Haiti.

83. The people of Haiti rejected the de facto Government. It did not wish to embark upon a civil war, and, with its President, had opted for non-violence. The embargo was one of the weapons it had at its disposal in its struggle. Had it been applied effectively, that embargo would long since have forced the

illegal regime to hand back power to the legitimate Government. Suspension of the embargo would be tantamount to a validation of the coup d'état, permitting its perpetrators to govern the country permanently.

84. There was no prospect of an end to the crisis in Haiti. In May 1992 President Aristide had met the new Secretary-General of the United Nations, and on 3 June 1992 had addressed a letter to him, calling upon the United Nations to cooperate with the Organization of American States in its efforts to restore legality in Haiti. His delegation hoped that the Sub-Commission would strongly condemn the coup, and the atrocities and violations currently being committed. It hoped that the Sub-Commission would also express particular concern at the violations inflicted on young people and children, particularly at the Fondation Lafanmi Selavi. It called upon the Sub-Commission to urge all countries concerned to reconsider their position regarding reception of refugees fleeing persecution by the dictatorship. Lastly, it hoped that the Sub-Commission would consider how the United Nations might cooperate with the Organization of American States with a view to restoring the rule of law in Haiti and establishing a Government of national consensus headed by President Aristide.

85. Mr. BEREZNY (Observer for the Russian Federation) said that, with the break-up of the former Soviet Union and the advent of the Commonwealth of Independent States, the question of protection of the interests of Russian residents of foreign States that had formerly been Republics of the Soviet Union had become one of great importance. His delegation was concerned at the fate of the two and a half million Russians living in the Baltic States, especially Latvia and Estonia, who had become the victims of discrimination and of a hostile, short-sighted policy since the adoption of decrees by Latvia in October 1991, re-establishing the rights of citizens of the Latvian Republic and the basic conditions governing naturalization, and by Estonia in February 1992, implementing the law on citizenship.

86. As a result of that legislation, about 2 million persons of non-indigenous nationalities, mainly ethnic Russians, who had lived in those Republics for decades, had been arbitrarily stripped of their citizenship and of many civil, political and economic rights. Virtually one-third of the population of Latvia and Estonia had been excluded from the political life of those States, and would probably lose their livelihood.

87. In Latvia the situation had further deteriorated since the adoption in March 1992 of the law on languages, under which Russian-speakers were not guaranteed the right to be educated in their own language. It was clear that the measures taken by the leadership of those States were aimed at reducing the numbers of the Russian-speaking population by exerting pressure on them to leave. Those countries were in fact attempting to establish mono-ethnic States. A serious threat of inter-ethnic conflict was thus arising.

88. In his delegation's view, the best way of solving the human rights problems existing between the Russian Federation and the Baltic States was the establishment of mutually acceptable bilateral agreements in strict compliance with international standards. It bore noting that the main human rights instruments, including the two International Covenants, which had recently

been acceded to by Latvia and Estonia, did not permit the arbitrary withdrawal of citizenship or limitation of the right to obtain citizenship on ethnic, linguistic, religious or other grounds.

89. For some months, the Russian Federation had been raising the matter in talks with its Baltic neighbours; but its proposals had not been heeded. The human rights situation continued to deteriorate. As a result, the Supreme Council of the Russian Federation had considered the situation at a special session, and had adopted a Decision on human rights in Estonia, and a Statement on human rights in the Baltic States. His delegation had asked that those texts should be circulated as an official document of the Sub-Commission. He also wished to stress that the Supreme Council of the Russian Federation firmly rejected the inclusion in the legislation of the Baltic States of provisions permitting discrimination on ethnic grounds, which were likely to increase social and political tension and would have an adverse effect on stability in the region. If gross violations of human rights continued, his Government would be forced to bring the matter to the attention of the United Nations. The Russian Federation was determined to defend the rights of those of its citizens living outside its territory.

90. Mr. GARCIA REVILLA (Observer for Peru) said that his country was not only making a tremendous economic adjustment effort but at the same time was forced to combat the threat posed by Shining Path, one of the most bloodthirsty and irrational terrorist groups the world had ever seen. In the last 10 years, the criminal activities of that group had led to the loss of 22,000 innocent lives and to infrastructural damage to the economy estimated at $23 billion.

91. In recent years the terrorist groups had struck up an alliance with drug traffickers in the inaccessible jungle areas, as a result of which the terrorists were receiving $40 million annually in exchange for providing protection for the shipments of the drug dealers.

92. Notwithstanding those difficulties, the Government had, since the middle of 1990, made efforts to set up a legal framework which would guarantee full respect for human rights and fundamental freedoms. The recently enacted Decree Law No. 25592 established and punished the crime of abduction by public officials by a minimum sentence of 15 years' imprisonment; it had also set up machinery to register reports of disappearances. Legislative Decree No. 665 of 1991 authorized prosecution officials to enter police stations, prefectures, military establishments and detention centres to investigate the situation of persons detained or reported missing. An agreement had been reached between the Armed Forces and the International Committee of the Red Cross under which the latter had free access to detainees. Measures had also been taken to provide the most threatened civilian groups with assistance from the Armed Forces. From the beginning of the reign of terrorist violence, the goal of the Government and the Armed Forces had always been to bring peace to the country through the eradication of terrorism; military activities had always been directed exclusively to the eradication of terrorism and to protecting the Peruvian people. Unfortunately, however, because of the way in which the terrorists had succeeded in infiltrating the civilian population, government agents had been put in a position in which involuntary errors and excesses had occurred in spite of the precautions taken. Any such errors should not be interpreted as representing a governmental policy of deliberate and systematic

violation of the human rights of the Peruvian people. The terrorists had capitalized on the situation by making it appear that it was the Government which was the aggressor against the civilian population.

93. Another measure adopted by the Government had been Legislative Decree 652, which had created the Council for Peace in an effort to enlist the participation of civilian society in the national pacification effort.

94. The recent ministerial meeting of the Organization of American States had adopted resolution 1/92 on the situation in Peru and had authorized the Secretary-General of that Organization to visit Peru in order to encourage dialogue between the Government and political groups. On the initiative of the Government, the Inter-American Commission on Human Rights had visited Peru on several occasions but had found no reason to condemn Peru in the field of human rights. The Government had convened elections for a constituent assembly in November 1992; the election would be monitored by the OAS. Municipal elections had been convened for early 1993.

95. The United Nations system, through Commission on Human Rights resolution 1992/42, and the Inter-American system, through the Organization of American States resolution 587, had both identified terrorism as an obstacle to the enjoyment of human rights. Further, during the present session of the Sub-Commission, a number of its members had expressed a similar view. Accordingly, any statement that failed to take account of the factor of terrorism as well as of the ongoing process of a return to democratic institutions in Peru in cooperation with the OAS might be inopportune and interfere with the efforts being made at the regional level.

96. Mrs. GALVIS (Observer for Colombia) said that her country's new Constitution, which had entered into force on 4 July 1991 as a result of a democratic process in which the elected representatives of the traditional and other political parties, the indigenous population as well as Christian and minority religious groups had participated, had updated the civil and political rights provided in the 1886 Constitution and had also recognized new rights, including social, economic and cultural rights together with "third generation" rights such as the rights to peace and a clean environment.

97. The machinery for the protection of human rights in Colombia included the following: right of petition, habeas corpus, due legal process, prohibition of the death penalty, exile, life imprisonment and confiscation; presumption of good faith in the dealings of citizens vis-à-vis the State; monitoring of fundamental rights; public action for law enforcement and for the protection of collective rights and interests, including civil responsibility for infringement thereof; recourse in respect of the constitutionality and legality of administrative acts; State responsibility for unlawful acts (including acts of omission) by public authorities and the primacy of international treaties and conventions on human rights. The new Constitution had also provided for the establishment of new State organs, independent of the executive branch, for the protection and promotion of human rights. Civil society and the three branches of Government were engaged in a joint effort to create a legal framework for the implementation of the new Constitution. Priority was being given to work under way on regulations relating to supervision, the establishment and bringing into operation of the Constitutional Court, which

would rule, inter alia, on the constitutionality of the legislative decrees issued by the Government on the basis of articles 212, 213 and 215 of the Constitution concerning states of emergency, and the establishment of the Office of the Prosecutor which would investigate offences and bring offenders to trial as well as, if necessary, cases of senior officials claiming prerogatives under the Constitution, and would also protect witnesses.

98. The Office off the Ombudsman and the Office of the Prosecutor were the basic organs responsible for protecting the rights of the citizen and for the efficient pursuit of crimes regardless of impunity. At the same time, the Office of the Attorney General of the Nation was continuing its work of monitoring the conduct of State agents while the Office of the Presidential Adviser for Human Rights was training State officials in the field of human rights.

99. In its work in the field of human rights, her Government had always enjoyed international assistance through the cooperation of the United Nations Centre for Human Rights and UNDP.

100. The new institutions were working harmoniously and successfully with those already in existence and citizens were beginning to make use of them in defence of their rights. The reforms would certainly reduce the level of impunity progressively.

101. Talks with the two remaining guerrilla groups had been suspended but the Government was determined to continue to pursue its process of reconciliation as soon as the guerrillas showed signs of readiness to resume negotiations in conditions acceptable to Colombian society. Unfortunately, the armed insurgent groups were continuing their practices of kidnapping and ransom. Colombian society had urged the Government to take stronger action to put an end to those practices.

102. The economy had been severely damaged by the blowing up of electricity pylons and oil pipelines while the environment, including in particular water resources, flora and fauna, had been damaged by repeated attacks on oil installations.

103. Large scale drug-related terrorism in the form of indiscriminate attacks on the population had diminished as a result of the Government's actions. However, the drug dealers had recently adopted new and equally cruel tactics in the form of seizing by force land traditionally owned by the indigenous population, especially in the south, and intimidating and eliminating those who opposed the cultivation on their land of opium poppy. The slaughter of indigenous farmers in the Department of Cauca was an illustration of the tactics employed by the drug dealers.

104. The recent violent events in Medellín constituted a settlement of accounts within the criminal organizations themselves and typical of Mafia behaviour, occurring in many countries and involving summary executions, disappearances and torture.

105. In conclusion, in order to combat the wave of violence and to ensure respect for the human rights and fundamental freedoms of all its citizens, Colombia had reformed and strengthened its democratic institutional infrastructure and introduced new institutions. Civil society must also play its part in the struggle by supporting those institutions.

106. Mr. BROTODININCRAT (Observer for Indonesia), noting that several speakers had made flagrantly exaggerated allegations regarding the Dili incident of 12 November 1991 said that, during the ensuing 10 months, most of the facts had been clarified and decisive legal actions had been taken to uphold justice. References had been made to the statement made by the Chairman of the Commission on Human Rights on the issue which, as a package, had been agreed by consensus. Accusations had also been made implying that Indonesia had failed to honour the consensus or had even shown a lack of good faith.

107. An important element underlying the spirit of the Chairman's statement had been the clear recognition by the Commission on Human Rights that what had happened in Dili had been an incident and not a massacre, as some speakers had stubbornly claimed. The incident had had nothing to do with the policy of the Indonesian Government nor did it reflect deliberate action on the part of the military authority in East Timor.

108. The Commission on Human Rights had welcomed the early actions taken by the Indonesian Government in setting up a national commission of inquiry, in its prompt response in taking disciplinary measures against the responsible military personnel and in initiating military court proceedings as well as in the arrangement made independently between the Indonesian Government and the Secretary-General of the United Nations on the mission of his personal envoy, Mr. Amos Wacko. The Chairman's statement had also expressed the hope that, as announced by the Indonesian Government, further investigation into the fate of those unaccounted for would clarify the remaining discrepancies on the number of people killed and those missing. In that connection, the Chief of the Armed Forces had reported to the President on 14 July 1992 that the total number of those missing was 115; of those, 31 had returned home and 18 had been found dead with the location of their graves known. Of the remaining 66 persons, it was believed that a number had escaped to the jungle; the military authorities were continuing to investigate the cases of those still missing. His delegation was ready to share any new information which came to light.

109. Referring to the part of the statement which called upon the Indonesian authorities to ensure that those civilians brought to trial were assured of proper legal representation and a fair trial and that those not involved in violent activities would be released without delay, he wished to say that, out of the 308 persons who had been questioned in Dili after the incident, 300 had subsequently been released, leaving only 8 in detention. Among the 70 persons who had been questioned in Jakarta, 66 had been released, leaving only 4 remaining in detention. Those put on trial had been proved to have been involved in violent activities. Gregorio da Cunha Saldhana, Francisco Miranda Branco and Carlos dos Santos Lemos had been the master-minds behind the violence and had been found guilty of acts against the security of the State,

in violation of Law No. 5 of 1969. In testimony before the trial, Joao Freitas da Camara had even confessed that he had received foreign assistance to fund the demonstration. Other defendants had admitted their guilt and had applied for clemency. The trials had been conducted in accordance with existing laws, had been open to the public and had been attended by foreign observers. He assured the Sub-Commission that that fair treatment and correct legal proceedings would have been followed in any case, even without a statement from the Chairman of the Commission on Human Rights.

110. The military personnel accused of misconduct during the incident had been brought before the military tribunal, had been found guilty of insubordination and had been sentenced to jail. In reply to allegations that the sentences of the military personnel had been too lenient as compared to those of civilians, he assured the Sub-Commission that the trials of both the civilians and military personnel had been carried out in strict accordance with the respective applicable laws. If the crimes committed had been the same, the military pesonnel would certainly have received heavier sentences. It would be misleading to judge cases merely by comparing the degree of sentences given to the civilians and military personnel, without due regard to the fundamentally different nature of the offences committed. The Indonesian authorities were determined that their legal system should be free from politics, extraneous pressures and the process of trial by the media.

111. In conclusion, he would like to say that the situation in East Timor had improved greatly; its people had more or less recovered from the trauma of the incident and had participated actively in the nation-wide general elections held on 9 June 1992. His delegation would greatly appreciate it if the Sub-Commission would adopt a helpful attitude in order to ensure that the newly healed wound in East Timor did not reopen.

The meeting rose at 6.05 p.m.